

Message

From: Kelley, Jeff [kelley.jeff@epa.gov]
Sent: 7/12/2018 2:30:18 PM
To: Stepp, Cathy [stepp.cathy@epa.gov]; Thiede, Kurt [thiede.kurt@epa.gov]; Payne, James [payne.james@epa.gov]
CC: Rowan, Anne [rowan.anne@epa.gov]
Subject: Fwd: VICE Investigation on Flint Water Testing Cheating By Michigan Department of Environmental Quality—EPA Comment

Ex. 7(A); Ex. 5 Deliberative Process

Jeff Kelley

Director, Office of External Communications

U.S. EPA Region 5

ph: 312-353-1159

Begin forwarded message:

From: "Jones, Enesta" <Jones.Enesta@epa.gov>
Date: July 12, 2018 at 8:55:07 AM CDT
To: "Lippert, Allison" <lippert.allison@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Kelley, Jeff" <kelley.jeff@epa.gov>, "Rowan, Anne" <rowan.anne@epa.gov>, "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>
Subject: Fwd: VICE Investigation on Flint Water Testing Cheating By Michigan Department of Environmental Quality—EPA Comment

From: Jordan Chariton <jordanchariton@protonmail.com>
Date: July 12, 2018 at 9:53:49 AM EDT
To: "jones.enesta@epa.gov" <jones.enesta@epa.gov>, "nowotarski.allison@epa.gov" <nowotarski.allison@epa.gov>
Subject: VICE Investigation on Flint Water Testing Cheating By Michigan Department of Environmental Quality—EPA Comment
Reply-To: Jordan Chariton <jordanchariton@protonmail.com>

Good Morning Enesta,

This is Jordan Chariton, a journalist who's reported on the ground in Flint 11 times since August 2016 and was just there for several weeks reporting. After knocking on nearly 400 doors, I uncovered that Michigan Department of Environmental Quality officials, and the workers in Flint's CORE program it trained to go door to door to test water, **improperly tested water for lead and copper in at least 30 homes** by running the water for several minutes before taking the sample (in some cases, for 10-20 minutes). I also found 10 other homes where residents were instructed by both MDEQ officials and CORE officials to run their water before they took water samples. I also found several homes where testing occurred late in the day when water was already used.

Overall, **17 of the 30 homes** where I found improper testing were part of the state's sentinel testing program, which was the focus group of homes used to declare that the water was back below EPA regulations. That was also the data Governor Snyder cited when shutting down the city's water pods in April. Based on the Lead and Copper Rule, this testing is a blatant violation of the regulation which mandates water be stagnant for a minimum of six-hours before sampling. And tellingly, MDEQ's own sampling instruction video on it's YouTube channel said: "Remember, do not flush any water from

the faucet before you take the sample"....until MDEQ deleted that YouTube channel and the aforementioned sampling instruction video over the last 5 days (weird timing—considering I publicly have said I was working on a story about the water testing and MDEQ flushing). Fortunately, I saved the video and have it downloaded.

More details: I found one home where an MDEQ official's flushed test produced lead ranging from 2ppb to 10ppb—but when the EPA came out, presumably without flushing before running the test—they found 85ppb. I also found a home where an EPA official came and tested late in the day after 3pm when water was already in use—and the homeowner conveyed that but the official tested anyway (at the moment, I don't plan on including that example in the story). I also found evidence of MDEQ leaving blank on testing results who collected the water sample at homes they did so (and putting down that residents collected the sample when they didn't).

This investigative story is currently scheduled to come out next week on [VICE.com](http://www.vice.com). Being that the EPA played a part in choosing the sentinel homes for water testing, and also played a role in having MDEQ take over the testing in 2016, and frankly—has been lied to before by MDEQ—I would like an official comment from the EPA on my findings. **All of the residents at these homes are on the record.** Here are some questions—I'd appreciate on the record answers by tomorrow morning.

- 1) Is running water **right before** taking a water sample for lead and copper a violation of the EPA Lead and Copper Rule?
- 2) Does running water **right before** taking a water sample for lead lower the potential quantiles of lead, copper, and other heavy metals that might be detected. If so, by how much? And how specifically does flushing lower the potential for lead to be detected?
- 3) The EPA instructed/advised MDEQ to stop the practice of pre-flushing the night before a water test in 2016. EPA official Miguel Del Toral was shown through FOIA'd emails in 2015 to be sounding the alarm on this practice when Flint city officials were doing it. Does the agency consider day-of flushing right before a water test worse than pre-flushing?
- 4) Is there any scenario where flushing right before a water test for lead and copper is an acceptable practice?
- 5) Is it a violation of chain of custody issue if an MDEQ official left the field for "sample collected by" blank or wrongly put down a resident collected the sample when it was in fact an MDEQ official?
- 6) With 30 residents on the record that their water was flushed before testing, 10 more on the record that they were instructed to flush when they tested, and the other violations found, how can Flint residents or the wider American public believe that the entire Flint water testing done by MDEQ was valid, credible, and without more widespread cheating that makes the testing data null and void? After all, these numbers came only from knocking on 400 doors.
- 7) Stemming off of question 6, with these violations and wider doubt on all of the testings integrity, should Flint be retested citywide by an **independent**, non-federally or state funded scientist. If so, when should that testing occur and who should pay for it?
- 8) Since we found a large number of sentinel homes had this cheating occur, should the water pods be reopened (the sentinel home data was what MDEQ cited to declare lead levels were meeting EPA regulations along with Governor Snyder citing sentinel data when he shut down water pods).
- 8) Lastly, Governor Snyder declared during his 2016 State of the State that "the buck stops with me" and he'd "fix it." Should he be held accountable for what seems like pretty blatant cheating from his environmental agency on an issue as important and sensitive as lead in Flint's water?

Look forward to your response.

Jordan
516-666-7125

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